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Attorney for Plaintiff.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MOHAMMAD SHER ISLAM,

Plaintiff,

v.

F. GERARD HEINAUER, DIRECTOR,  
USCIS NEBRASKA SERVICE CENTER;  
ET. AL.

Defendants.

No. 3:13-cv-02316-RS

JOINT STIPULATION TO RESET  
BRIEFING SCHEDULE AND MOTION  
HEARING; ~~PROPOSED~~ ORDER

Hearing: Dec. 12, 2013  
Time: 1:30 p.m.

Plaintiff, by and through his attorney of record, and Defendants, by and through their attorneys of record, hereby stipulate, subject to the approval of the Court, to reset the briefing schedule and the hearing date on Defendants' motion to dismiss. This motion is made on the following grounds:

Stipulation to Reset Briefing Schedule and Hearing Date; [Proposed] Order  
3:13-cv-02316-RS

1           1.       On May 21, 2013, Plaintiff filed the above-captioned action. Defendants were  
2 served on June 29, 2013. The parties thereafter stipulated to two 30-day extensions for  
3 Defendants to file their answer or otherwise respond to Plaintiff's complaint. On September 23,  
4 2013, Defendants filed a Motion to Dismiss; Alternative Motion for Summary Judgment.

5           2.       Currently, pursuant to the Court's Procedural Order for Immigration Mandamus  
6 Cases, the briefing schedule for defendant's motion and/or any counter-motion for summary  
7 judgment by plaintiffs is as follows: (i) Plaintiffs' opposition and/or counter-motion is due by  
8 October 7, 2013; (ii) Defendants' reply and/or opposition is due October 15, 2013; and (iii) if  
9 Plaintiffs opt to file a counter-motion on October 7, 2013, Plaintiffs may file a reply to  
10 Defendants' opposition by October 22, 2013.

11           3.       Plaintiff's counsel will be on vacation from October 9 through October 29, 2013.  
12 Given the unavailability of Plaintiffs' counsel until October 29, 2013, subject to the approval of  
13 the Court, the parties hereby stipulate to the following briefing schedule:

- 14           (a)     Plaintiff's opposition or counter-motion for summary judgment is due by  
15 November 15, 2013;  
16           (b)     Defendants' reply is due by December 6, 2013;  
17           (c)     If Plaintiff files a counter-motion for summary judgment on November 15, 2013,  
18 Plaintiff may file a reply by December 20, 2013.  
19           (d)     The hearing on Defendants' summary judgment motion will be continued to  
20 January 9, 2014, at 10:00 a.m. Any hearing on plaintiffs' counter-motion for  
21 summary judgment will be held at the same date and time, January 9, 2014, at  
22 10:00 a.m.

23 For the reasons stated above, the parties respectfully request that Court adopt the briefing  
24 schedule listed above.

25  
26 IT IS SO STIPULATED.

1 Dated: September 24, 2013

Respectfully submitted,

2 /s/

3 \_\_\_\_\_  
4 ROBERT B. JOBE<sup>1</sup>  
5 Law Office of Robert B. Jobe  
6 Attorney for Plaintiff

7 Dated: September 24, 2013

8 /s/

9 \_\_\_\_\_  
10 STACEY YOUNG  
11 U.S. Department of Justice Civil Division  
12 Office of Immigration Litigation  
13 Attorney for Defendants

14 **[PROPOSED] ORDER**

15 Pursuant to stipulation and for good cause shown, IT IS HEREBY ORDERED that:

- 16 (1) Plaintiff's opposition or counter-motion for summary judgment is due by November 15,  
17 2013;
- 18 (2) Defendants' reply is due by December 6, 2013;
- 19 (3) If Plaintiff files a counter-motion for summary judgment on November 15, 2013, Plaintiff  
20 may file a reply by December 20, 2013.
- 21 (4) The hearing on Defendants' summary judgment motion will be continued to January 9,  
22 2014, at ~~10:00 a.m.~~ <sup>1:30 p.m.</sup> Any hearing on plaintiffs' counter-motion for summary judgment  
23 will be held at the same date and time, January 9, 2014, at ~~10:00 a.m.~~ <sup>1:30 p.m.</sup> motions hearing is  
24 reset to May 6, 2011 at 9:00 a.m. and all other deadlines are reset accordingly.

25 IT IS SO ORDERED.

26 Dated: 9/25/13

27   
28 \_\_\_\_\_  
RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE

1 I, Robert B. Jobe, attest that both Stacey Young and I have signed this document.